Meeting 9 of 48 2010-2011 City Council of Galveston, Texas

THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF GALVESTON HELD SEPTEMBER 9, 2010 - 4:00 PM

1. DECLARATION OF A QUORUM AND CALL MEETING TO ORDER.
2. MOMENT OF SILENCE
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL: Present: Mayor Jaworski, CM Puccetti, CM Gonzales, CM Beeton, MPT Colbert, CM Legg
   Absent: CM Greenberg
   Staff: City Manager LeBlanc, Asst. City Attorney Cross, City Secretary Lawrence, Finance Director Miller, Director of Planning O'Donohoe

5. DECLARATION OF CONFLICT
   None

6. APPROVAL OF MINUTES
   The Minutes of Regular Meeting of August 26, 2010: MPT Colbert moved approval. Second by CM Gonzales. CM Beeton requested the addition of wording on Item 11B stating that the City Manager agreed to removed sodas from the machines in the City's Recreation Centers. MPT Colbert agreed with the amendment. Second by CM Gonzales. Unanimously approved by those present.

7. PRESENTATIONS
   A. Proclamations: World Alzheimers Day - September 21, 2010
      Donald Schattel, Sr. Day - September 9, 2010

   B. Texas State Library /Lone Star Libraries: Sandy Pickett, Chairman of the State Library Archives Commission presented a check from the Lone Star Library Grand Fund for Rosenberg Library. State Representative Craig Eiland presented the check in the amount of $28,000 to John Augilli, Director of Rosenberg Library.

8. COMMUNICATIONS AND PETITIONS
   Notices of Claim: 10068 - James W. Little, 10069 - Richard Hughart

9. ORDINANCES ASSOCIATED WITH PUBLIC HEARINGS

A. Consider for action an Ordinance of the City of Galveston, Texas, changing the zoning from "Heavy Industrial" (HI) to "Planned Development" (PD) Zoning District on property located at 100 Seawolf Parkway and commonly known as Seawolf Park and legally described as Tract 24 (39.88 acres) and Tract 51 (3.548 acres), E. Smith Survey, in the City and County of Galveston, Texas (Planning Case Number 10P-71).

ORDINANCE NO. 10-071 was read by caption: CHANGING THE ZONING FROM "HEAVY INDUSTRIAL" (HI) TO "PLANNED DEVELOPMENT" (PD) ZONING DISTRICT ON PROPERTY LOCATED AT 100 SEAWOLF PARKWAY AND COMMONLY KNOWN AS SEAWOLF PARK AND LEGALLY DESCRIBED AS TRACT 24 (39.88 ACRES) AND TRACT 51 (3.548 ACRES), E. SMITH SURVEY, AND IN THE CITY AND COUNTY OF GALVESTON, TEXAS; PLANNING CASE NUMBER 10P-71; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Director of Planning O'Donohoe summarized the ordinance.

Mayor Jaworski opened the PUBLIC HEARING. There being no one to speak, the Public Hearing was closed.

Motion to approve by MPT Colbert. Second by CM Puccetti. Unanimously approved by those present.

10. PUBLIC COMMENT

The public shall be allowed to address one or more agenda or non-agenda items. Each person shall be limited to three (3) minutes, regardless of the number of items addressed.

Charles Olson, 4627 Ave. O, Collective Bargaining team, in support of Kelly Days.
Sheila Bell, concerns regarding flooding of the island. Residents need life jackets.
Danith Fontenot, spoke on behalf of his parents who have property at 1425 Ave. K. He stated non-residential property owners should receive assistance.
Anastacio Urbina, Jr., Firefighter, invited Council to attend a 911 Ceremony to be held at Moody Gardens at the Veterans Memorial Site on September 11 at noon.
Kevin Hamby, Tx. Department of Housing and Community Affairs spoke regarding problems with resolution passed by Council regarding Hurricane Ike funding. Mr. Hamby agreed to attend the next Council meeting to discuss the Conciliation Agreemetn for Round 2 CDBG-DR and associated issues.
Carol Rose, Galveston Police Officer, concerns pertaining to possible loss of job.
Rick McCullon, GMPA Representative, President of Galveston Police Memorial Foundation, in support of police jobs.
Zina Zander, Fish Village, Police Officer, 6th from the botton for layoffs, concerned about keeping her job.

11. ORDINANCES, RESOLUTIONS AND PROCLAMATIONS

A. Consider for approval an Ordinance of the City of Galveston, Texas amending the total operating fund budget for fiscal year ending September 30, 2010, by transferring $155,000 from various General Fund Accounts to adjust and properly record unforeseen expenses in connection with partial funding for a E-One HP78 Aerial Fire Truck for the Fire Suppression Division.

ORDINANCE NO. 10-072 was read by caption: AMENDING THE TOTAL OPERATING FUND BUDGET FOR FISCAL YEAR ENDING SEPTEMBER 30, 2010, BY TRANSFERRING $155,000 FROM VARIOUS GENERAL FUND ACCOUNTS TO ADJUST AND PROPERLY RECORD UNFORESEEN EXPENSES IN CONNECTION WITH PARTIAL FUNDING FOR AN E-ONE HP78 AERIAL FIRE TRUCK FOR THE FIRE SUPPRESSION DIVISION: MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

Motion to approve by CM Puccetti. Second by CM Gonzales. Unanimously approved by those present.

B. Consider for approval an Resolution of the City Council of the City of Galveston, Texas, authorizing the City Manager to execute an agreement with the Park Board of Trustees for distribution of proceeds from the Hotel Occupancy Tax for the 2010-2011 Fiscal Year.

RESOLUTION NO. 10-049 was read by caption: AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE PARK BOARD OF TRUSTEES FOR DISTRIBUTION OF PROCEEDS FROM THE HOTEL OCCUPANCY TAX FOR THE 2010-2011 FISCAL YEAR; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by CM Puccetti. Second by CM Gonzales. Unanimously approved by those present.

C. Consider for approval a Resolution of the City Council of the City of Galveston, Texas authorizing certain City officials to invest, withdraw, transfer, and disburse any and all funds of the City of Galveston, into and from the City's duly designated depositories or investment accounts, authorizing signatures of said City officials.

RESOLUTION NO. 10-050 was read by caption: AUTHORIZING CERTAIN CITY OFFICIALS TO INVEST, WITHDRAW, TRANSFER AND DISBURSE ANY AND ALL FUNDS OF THE CITY OF GALVESTON, INTO AND FROM THE CITY'S DULY DESIGNATED DEPOSITORIES OR INVESTMENT ACCOUNTS; AUTHORIZING SIGNATURES OF SAID CITY OFFICIALS; PROVIDING FOR FINDINGS OF FACT AND PROVIDING FOR AN EFFECTIVE DATE.

Motion to approve by MPT Colbert. Second by CM Puccetti. Unanimously approved by those present.

12. ACTION ITEMS

The following items shall be considered for action as a whole, unless one or more Council Members objects:

A. Consider for action providing the City Attorney and outside legal counsel David Salyer authority to enter into a Settlement Agreement in the matter styled The City of Galveston, Texas vs. Christopher Columbus Street Market LLC; Alfio

Fichera and Edwin A. Eubanks; Cause 10CV1526 in the 56th Judicial District of Galveston County, Texas.

Motion to approve by CM Beeton. Second by CM Puccetti. Unanimously approved by those present.

B. Discuss and consider for action giving the City Manager direction on FY 2010-2011 Budget.

Discussion only. No action taken.

C. Discuss and consider for action giving the City Manager direction concerning Seawall parking project.

Deferred

D. Discuss and consider for action giving the City Manager direction on the Galveston County Stewart Road Project.

Mayor Jaworski moved to give the City Manager direction to allocate $178,000 for the subsurface utility costs investigation only at this time and bring report back to Council. Second by CM Puccetti. Unanimously approved by those present.

MPT Colbert asked that the City Manager bring back information in two weeks about the Avenue H Project so that Council can have that information as they move forward in making a decision about the Stewart Road Project.

E. Consider for approval of lowest bid (Bid #10-070) from U.S. Fence and Gate for repair to fences and gates throughout the City. Cost for this project is $158,753.00. Funding source is 90% FEMA and the remaining 10% will come from various Public Works and Island Transit Department Accounts.

Motion to approve by MPT Colbert. Second by CM Puccetti. Unanimously approved by those present.

F. Consider for approval seven change orders to Holiday Builders Inc. for the Island Transit Maintenance Facility renovation/expansion project which was previously awarded under RFB#09-10-011 in the total amount of $12,853.43. Funding source is FTA and ARRA accounts.

Motion to approve by CM Puccetti. Second by MPT Colbert. Unanimously approved by those present.

G. Consider for approval the purchase of one new E-One HP78 Arial Fire Truck for the Fire Department to be purchased from Hall-Mark Fire Apparatus through HGAC Buy for a total price of $650,000 which will be funded by funds from the Tankel Estate and the Vehicle Replacement Fund.

Motion to approve by CM Puccetti. Second by CM Beeton. Unanimously approved by those present.

H. Consider for approval the continuing rentals of numerous by-pass pumps from Godwin Pump and Equipment for the operation of lift stations, the main, and

Airport WWTP for the protection of human safety and welfare for emergency recovery following Hurricane Ike. The estimated cost of the additional rental time is $88,000.00 per month until completion. The funding source is FEMA reimbursement.

Motion to approve by CM Puccetti. Second by CM Gonzales. Unanimously approved by those present.

I. Discuss and consider for action giving the City Manager direction on CDBG Round II Funding.

DISCUSSION ONLY

J. Consider for action the submittal of an alternate project to the Federal Emergency Management Agency for the purchase of Ballistic Vests, Ballistic Helmets, Gas Masks and Assorted Pouches. Cost of project is $51,011.38. Funding source is 81% PW#14485 and 7782 and 19% City match, local seized funds.

Motion to approve by CM Legg. Second by MPT Colbert. Unanimously approved by those present.

K. Consider for action providing the City Attorney and outside legal counsel John Eckel authority to enter into a Settlement Agreement in the matter styled George Wood vs. The City of Galveston, Texas and the Building Standards Commission, Cause 09CV0761 in the 56th Judicial District of Galveston County, Texas.

Motion to approve by CM Beeton. Second by CM Legg. In favor: Mayor Jaworski, CM Puccetti, CM Beeton, MPT Colbert, CM Legg. Atstaining: CM Gonzales. Absent: CM Greenberg Motion carried.

L. Discuss and consider for action directing the Park Board to reimburse the City of Galveston's Convention Center Surplus Fund $575,190.00.

Motion to approve by CM Beeton. Second by CM Puccetti. Unanimously approved by those present.

13. MAYOR AND COUNCIL APPOINTMENTS

A. Consider for action Mayor and Council Appointments to various City Boards, Committees and Commissions:

Wharves Board: CM Beeton moved to appoint John Manlove. Second by CM Puccetti. In favor: CM Puccetto. CM Gonzales, CM Beeton, Mayor Jaworski, MPT Colbert. Opposed: CM Legg Absent: CM Greenberg. Motion carried.

Building Board of Adjustments and Appeals: CM Legg moved to appoint John Paul Listowski and Michael Porretto to the

General Contractor positions. Second by CM Gonzales. Unanimously approved.

HGAC Gulf Coast Economic Board: CM Puccetti moved to reappoint Jeff Sjostrum. Second by MPT Colbert. Unanimously approved.

HGAC Board of Directors - Alternate: Mayor Jaworski moved to appoint CM Puccetti. Second by MPT Colbert.

HGAC Transportation Policy Council - Alternate: CM Gonzales moved to appoint CM Legg. Second by CM Beeton. Unanimously approved.

14. N/A
15. N/A
16. N/A

17. ADJOURNMENT

There being no further business to come before the